



JUDGE SAMUEL DER-YEGHAIYAN

219 S. Dearborn Street
Chicago, IL 60604

Courtroom 1719
Chambers 1778

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PRETRIAL ORDER

It is essential that parties follow all of the court's guidelines for pre-trial orders to ensure that the trial proceeds in an orderly fashion. See Bryant v. Union Pacific R. Co., 2004 WL 1336379 (N.D. Ill. 2004)(Der-Yeghiayan, J.)(striking trial date due to inadequate pretrial order). Failure to follow the prescribed guidelines may result in delays and sanctions.

I. Submission of Pretrial Order

1. The pretrial order shall be prepared jointly and signed by both parties. An original and one copy of the joint pretrial order should be submitted to the court in chambers.
2. The pretrial order should: A) have a table of contents, B) be paginated from beginning to end, C) be tabbed, and D) be presented in a three ring binder.
3. The parties should also submit a disc containing the text of: A) the proposed voir dire questions, B) the proposed jury instructions, and C) the proposed verdict form(s) (in wordperfect format if possible).
4. Motions in limine should not be included in the pre-trial order. Such motions should be filed separately one week prior to the trial.

II. Contents of Pretrial Order

The pretrial order should contain the following sections, each separated by a tab:

1. List of all claims
 - 1A. List of counterclaims if any
 - 1B. List of cross claims if any
 - 1C. List of defenses, including affirmative defenses specifically identified as affirmative defenses
2. Jurisdictional statement and venue statement
3. Agreed facts
 - 3A. Plaintiff's facts not agreed to by Defendant
 - 3B. Defendant's facts not agreed to by Plaintiff
4. Agreed legal findings
 - 4A. Plaintiff's legal findings not agreed to by Defendant
 - 4B. Defendant's legal findings not agreed to by Plaintiff
5. All prior rulings in the case and dates of rulings
 - 5A. Outstanding rulings that need to be addressed
6. Each party's proposed voir dire questions
7. Agreed proposed jury instructions
 - 7A. Plaintiff's proposed jury instructions not agreed to by Defendant

- 7B. Defendant's objections to Plaintiff's proposed jury instructions
- 7C. Defendant's proposed jury instructions not agreed to by Plaintiff
- 7D. Plaintiff's objections to Defendant's proposed jury instructions
- 8. Agreed verdict form (if applicable)
 - 8A. Plaintiff's proposed verdict form not agreed to by Defendant (if applicable)
 - 8B. Defendant's objections to Plaintiff's proposed verdict form
 - 8C. Defendant's proposed verdict form not agreed to by Plaintiff (if applicable)
 - 8D. Plaintiff's objections to Defendant's proposed verdict form
- 9. Index of exhibits for each party including a joint exhibit list. The lists should contain the following:
 - a designation of JTX before all the joint exhibit numbers,
 - a designation of two letters associated with the party's name followed by an X and the number of the exhibit so that it is clear what party introduced the exhibit. (ie. exhibit from a party named John Doe should reflect: JDX-159)
 - a brief description of each exhibit next to the exhibit number
 - an indication next to each exhibit number as to whether there was an objection to the admission of the exhibit by the opposing party and the basis of the objection.
- 10. Each party's witness list including expert witnesses and their statement relating to their qualifications
 - 10A. Each party's list of unavailable witnesses and reason for probable

unavailability whose testimony may be introduced at trial by reading the deposition or by video of the deposition.

- 10B. List of witnesses that may be called more than once during the trial by the same party or by different party and an explanation of the reasons for each time the witness may be called.
11. List by each party of the technologies (ie. video, sound recording) anticipated to be used to present the case at trial and a general description of matter that technology will be used to present (ie. video of commercial by defendant). The list should also indicate whether or not the mechanisms for such presentations will be provided by the party or whether the party has made an arrangement with the court or court personnel to secure such mechanisms.
12. List of individuals (including attorneys) that each party desires to be present at counsel table during trial and explanation of each individual's involvement in case.
13. Plaintiff's itemized damages
- 13A. Defendant's itemized damages (if applicable)
14. Each party's anticipated length of time to present its case
15. The status of prior or current settlement discussions

Samuel Der-Yeghiayan
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United States District Court Judge